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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DONALD C. HILLMAN and MICHAEL E.  
MECSAS,

Plaintiffs

v.

Civil Action No.

SCHNADER HARRISON SEGAL & LEWIS,  
LLP, ROBERT L. COLLINGS, MARILYN Z.  
KUTLER, DAVID SMITH, RALPH G.  
WELLINGTON, MARGARET S. WOODRUFF  
and ALL OTHER PARTNERS OF SCHNADER  
HARRISON SEGAL & LEWIS<sup>1</sup>

Defendants

03 cv 12345 RGS

NOTICE OF REMOVAL

MAGISTRATE JUDGE *Collings*

Defendants Schnader Harrison Segal & Lewis, LLP, Robert L. Collings, Marilyn Z.  
Kutler, David Smith, Ralph G. Wellington, Margaret S. Woodruff and all other partners of  
Schnader Harrison Segal & Lewis,<sup>2</sup> all of the defendants in this action, (collectively,

<sup>1</sup> James E. Abraham, Elizabeth K. Ainslie, Lindsey D. Alton, Stephen J. Anderer, Thomas D. Arbogast, John M. Armstrong, Richard A. Barkasy, Jeanne Schubert Barnum, Peter H. Beaman, David R. Berk, Jeffrey I. Bernstein, Michael G. Bock, Arthur N. Brandolph, Barry E. Bressler, Gregory W. Buhler, Andrea Hyatt Callan, M. Christine Carty, Marc S. Cornblatt, Ronald S. Cusano, Albert S. Dandridge III, Kenneth R. DeRosa, Benjamin P. Deutsch, Joseph J. Devine, Diana S. Donaldson, Stephen H. Dye, Jeffrey L. Eichen, Robert D. Feder, Walter B. Ferst, Elise A. Fialkowski, Richard A. Fineman, Glenn D. Fox, John K. Gisleson, Allan D. Goodridge, Peter S. Greenberg, Megan E. Harmon, Cristopher Charles Hoel, Jennifer DuFault James, Anne E. Kane, Ronald E. Karam, David E. Kenty, Richard W. Kessler, Wilber L. Kipnes, Joan T. Kluger, Bernard B. Kolodner, Peter C. Langenus, William L. Leonard, Nicholas J. LePore III, Jeffrey W. Letwin, Saul Levit, Dionna K. Litvin, Theresa E. Loscalzo, William J. Maffucci, Michael J. Mangan, Edward J. McBridge, Jr., George E. McGrann, Martin Mendelsohn, James R. Meyer, Albert Momjian, Mark A. Momjian, Alexander P. Moon, Leo J. Murphy, Michael G. Neri, Judith F. Olson, Nicholas N. Price, Neil Proto, Kenneth R. Puhala, Nicole M. Remann, Kenneth I. Rosenberg, Bruce A. Rosenfield, Denna Jo Schneider, Allan B. Schneirov, H. Lee Schwartzberg, Jr., J. Denny Shupe, Samuel W. Silver, Eric T. Smith, Carl A. Solano, J. Robert Stoltzfus, Clinton A. Stuntebeck, Dennis R. Suplee, Sherry A. Swirsky, Jerry L. Tanenbaum, Paul N. Tauger, Gregory H. Teufel, Paul H. Titus, George N. Tompkins III, Anthony J. Watkins, Nancy M. Weinman, Stewart M. Weintraub, Keith E. Whitson, Nancy Winkelman, Maureen C. Zemel.

<sup>2</sup> James E. Abraham, Elizabeth K. Ainslie, Lindsey D. Alton, Stephen J. Anderer, Thomas D. Arbogast, John M. Armstrong, Richard A. Barkasy, Jeanne Schubert Barnum, Peter H. Beaman, David R. Berk, Jeffrey I. Bernstein, Michael G. Bock, Arthur N. Brandolph, Barry E. Bressler, Gregory W. Buhler, Andrea Hyatt Callan, M. Christine Carty, Marc S. Cornblatt, Ronald S. Cusano, Albert S. Dandridge III, Kenneth R. DeRosa, Benjamin P.

“defendants”) hereby respectfully provide notice that they are removing this action from the Superior Court, Suffolk County, Massachusetts, in which court the cause is currently pending, to the United States District Court for the District of Massachusetts. In support thereof, defendants state as follows:

1. Defendants hereby exercise their rights under the provisions of 28 U.S.C. §§ 1441, et seq., to remove this case from the Superior Court, Suffolk County, Massachusetts, in which said case is now pending under the name and style of Donald C. Hillman and Michael E. Mecsas v. Schnader Harrison Segal & Lewis, LLP, Robert L. Collings, Marilyn Z. Kutler, David Smith, Ralph G. Wellington, Margaret S. Woodruff and all other partners of Schnader Harrison Segal & Lewis, Civil Action No. 03-4956-BLS.

2. U.S.C. Section 1441(a) provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State Court of which the District Courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to a District Court of the United States for the District and Division embracing the place where such action is pending.

3. This is a civil action that was instituted in the Superior Court, Suffolk County, and has not been tried. Plaintiffs filed their Complaint on October 20, 2003. A true and correct copy of the Complaint is attached hereto as Exhibit A. The first known date any of the defendants

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Deutsch, Joseph J. Devine, Diana S. Donaldson, Stephen H. Dye, Jeffrey L. Eichen, Robert D. Feder, Walter B. Ferst, Elise A. Fialkowski, Richard A. Fineman, Glenn D. Fox, John K. Gisleson, Allan D. Goodridge, Peter S. Greenberg, Megan E. Harmon, Cristopher Charles Hoel, Jennifer DuFault James, Anne E. Kane, Ronald E. Karam, David E. Kenty, Richard W. Kessler, Wilber L. Kipnes, Joan T. Kluger, Bernard B. Kolodner, Peter C. Langenus, William L. Leonard, Nicholas J. LePore III, Jeffrey W. Letwin, Saul Levit, Dionna K. Litvin, Theresa E. Loscalzo, William J. Maffucci, Michael J. Mangan, Edward J. McBridge, Jr., George E. McGrann, Martin Mendelsohn, James R. Meyer, Albert Momjian, Mark A. Momjian, Alexander P. Moon, Leo J. Murphy, Michael G. Neri, Judith F. Olson, Nicholas N. Price, Neil Proto, Kenneth R. Puhala, Nicole M. Remann, Kenneth I. Rosenberg, Bruce A. Rosenfield, Denna Jo Schneider, Allan B. Schneirov, H. Lee Schwartzberg, Jr., J. Denny Shupe, Samuel W. Silver, Eric T. Smith, Carl A. Solano, J. Robert Stoltzfus, Clinton A. Stuntebeck, Dennis R. Suplee, Sherry A. Swirsky, Jerry L. Tanenbaum, Paul N. Tauger, Gregory H. Teufel, Paul H. Titus, George N. Tompkins III, Anthony J. Watkins, Nancy M. Weinman, Stewart M. Weintraub, Keith E. Whitson, Nancy Winkelman, Maureen C. Zemel.

received the initial pleading setting forth the claims for relief is October 23, 2003, when they were served with the Summons and Complaint.

4. The Complaint alleges that the defendants breached the terms of two agreements between Schnader Harrison Segal & Lewis, LLP and each of the plaintiffs when they failed to pay over to the plaintiffs installments of their capital accounts and deferred compensation. Plaintiffs' claims sound in breach of contract.

5. The District Court of the United States has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that the matter in controversy as set forth in the Complaint exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

#### **Diversity Jurisdiction**

6. In determining whether complete diversity exists, the Court may consider the citizenship of all properly joined parties. 28 U.S.C. § 1441(b). The Complaint identifies two plaintiffs, Donald C. Hillman and Michael E. Meccas. Both plaintiffs are identified as residents of Massachusetts. See Complaint ¶¶ 1-2. Defendants believe plaintiffs to be, both at the time the Complaint was filed in state court and at the time of removal, citizens of Massachusetts.

7. Defendant Schnader Harrison Segal & Lewis is a limited liability partnership and a citizen of Pennsylvania, New Jersey, New York, California, Delaware, Connecticut, the District of Columbia, Maryland and South Carolina.

8. Defendant Robert L. Collings is a citizen of Pennsylvania.

9. Defendant Marilyn Z. Kutler is a citizen of Pennsylvania.

10. Defendant David Smith is a citizen of Pennsylvania.

11. Defendant Ralph G. Wellington is a citizen of Pennsylvania.

12. Defendant Margaret S. Woodruff is a citizen of Pennsylvania.
13. Defendant James E. Abraham is a citizen of Pennsylvania.
14. Defendant Elizabeth K. Ainslie is a citizen of Pennsylvania.
15. Defendant Lindsey D. Alton is a citizen of Pennsylvania.
16. Defendant Stephen J. Anderer is a citizen of Pennsylvania.
17. Defendant Thomas D. Arbogast is a citizen of Pennsylvania.
18. Defendant John M. Armstrong is a citizen of New Jersey.
19. Defendant Richard A. Barkasy is a citizen of New Jersey.
20. Defendant Jeanne Schubert Barnum is a citizen of New Jersey.
21. Defendant Peter H. Beaman is a citizen of Pennsylvania.
22. Defendant David R. Berk is a citizen of Pennsylvania.
23. Defendant Jeffrey I. Bernstein is a citizen of New Jersey.
24. Defendant Michael G. Bock is a citizen of Pennsylvania.
25. Defendant Arthur N. Brandolph is a citizen of Pennsylvania.
26. Defendant Barry E. Bressler is a citizen of Pennsylvania.
27. Defendant Gregory W. Buhler is a citizen of New York.
28. Defendant Andrea Hyatt Callan is a citizen of Pennsylvania.
29. Defendant M. Christine Carty is a citizen of New York.
30. Defendant Marc S. Cornblatt is a citizen of Pennsylvania.
31. Defendant Ronald S. Cusano is a citizen of Pennsylvania.
32. Defendant Albert S. Dandridge, III, is a citizen of Pennsylvania.
33. Defendant Kenneth R. DeRosa is a citizen of Pennsylvania.
34. Defendant Benjamin P. Deutsch is a citizen of New Jersey.

35. Defendant Joseph J. Devine is a citizen of Pennsylvania.
36. Defendant Diana S. Donaldson is a citizen of Pennsylvania.
37. Defendant Stephen H. Dye is a citizen of California.
38. Defendant Jeffrey L. Eichen is a citizen of Pennsylvania.
39. Defendant Robert D. Feder is a citizen of Pennsylvania.
40. Defendant Walter B. Ferst is a citizen of Pennsylvania.
41. Defendant Elise A. Fialkowski is a citizen of Pennsylvania.
42. Defendant Richard A. Fineman is a citizen of Pennsylvania.
43. Defendant Glenn D. Fox is a citizen of Pennsylvania.
44. Defendant John K. Gisleson is a citizen of Pennsylvania.
45. Defendant Allan D. Goodridge is a citizen of New York.
46. Defendant Peter S. Greenberg is a citizen of Pennsylvania.
47. Defendant Megan E. Harmon is a citizen of Pennsylvania.
48. Defendant Cristopher Charles Hoel is a citizen of Pennsylvania.
49. Defendant Jennifer DuFault James is a citizen of New Jersey.
50. Defendant Anne E. Kane is a citizen of Pennsylvania.
51. Defendant Ronald E. Karam is a citizen of Pennsylvania.
52. Defendant David E. Kenty is a citizen of Pennsylvania.
53. Defendant Richard W. Kessler is a citizen of Pennsylvania.
54. Defendant Wilber L. Kipnes is a citizen of Pennsylvania.
55. Defendant Joan T. Kluger is a citizen of Delaware.
56. Defendant Bernard B. Kolodner is a citizen of Pennsylvania.
57. Defendant Peter C. Langenus is a citizen of Connecticut.

58. Defendant William L. Leonard is a citizen of Pennsylvania.
59. Defendant Nicholas J. LePore, III, is a citizen of Pennsylvania.
60. Defendant Jeffrey W. Letwin is a citizen of Pennsylvania.
61. Defendant Saul Levit is a citizen of Pennsylvania.
62. Defendant Dionna K. Litvin is a citizen of Pennsylvania.
63. Defendant Theresa E. Loscalzo is a citizen of Pennsylvania.
64. Defendant William J. Maffucci is a citizen of New Jersey.
65. Defendant Michael J. Mangan is a citizen of Pennsylvania.
66. Defendant Edward J. McBride, Jr., is a citizen of New Jersey.
67. Defendant George E. McGrann is a citizen of Pennsylvania.
68. Defendant Martin Mendelsohn is a citizen of Maryland.
69. Defendant James R. Meyer is a citizen of Pennsylvania.
70. Defendant Albert Momjian is a citizen of Pennsylvania.
71. Defendant Mark A. Momjian is a citizen of Pennsylvania.
72. Defendant Alexander P. Moon is a citizen of New York.
73. Defendant Leo J. Murphy is a citizen of California.
74. Defendant Michael G. Neri is a citizen of Pennsylvania.
75. Defendant Judith F. Olson is a citizen of Pennsylvania.
76. Defendant Nicholas N. Price is a citizen of Pennsylvania.
77. Defendant Neil Proto is a citizen of the District of Columbia.
78. Defendant Kenneth R. Puhala is a citizen of New York.
79. Defendant Nicole M. Reimann is a citizen of Pennsylvania.
80. Defendant Kenneth I. Rosenberg is a citizen of Pennsylvania.

81. Defendant Bruce A. Rosenfield is a citizen of Pennsylvania.
82. Defendant Deena Jo Schneider is a citizen of Pennsylvania.
83. Defendant Allan B. Schneirov is a citizen of Pennsylvania.
84. Defendant H. Lee Schwartzberg, Jr., is a citizen of Pennsylvania.
85. Defendant J. Denny Shupe is a citizen of New Jersey.
86. Defendant Samuel W. Silver is a citizen of New Jersey.
87. Defendant Eric T. Smith is a citizen of Pennsylvania.
88. Defendant Carl A. Solano is a citizen of Pennsylvania.
89. Defendant J. Robert Stoltzfus is a citizen of Pennsylvania.
90. Defendant Clinton A. Stuntebeck is a citizen of Pennsylvania.
91. Defendant Dennis R. Suplee is a citizen of Pennsylvania.
92. Defendant Sherry A. Swirsky is a citizen of Pennsylvania.
93. Defendant Jerry L. Tanenbaum is a citizen of New Jersey.
94. Defendant Paul N. Tauger is a citizen of California.
95. Defendant Gregory H. Teufel is a citizen of Pennsylvania.
96. Defendant Paul H. Titus is a citizen of Pennsylvania.
97. Defendant George N. Tompkins, III, is a citizen of South Carolina.
98. Defendant Anthony J. Watkins is a citizen of Pennsylvania.
99. Defendant Nancy M. Weinman is a citizen of Pennsylvania.
100. Defendant Stewart M. Weintraub is a citizen of New Jersey.
101. Defendant Keith E. Whitson is a citizen of Pennsylvania.
102. Defendant Nancy Winkelman is a citizen of New Jersey.
103. Defendant Maureen C. Zemel is a citizen of Pennsylvania.

104. The amount in controversy requirement of 28 U.S.C. § 1332 is satisfied in that the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

105. With respect to plaintiff Mecsas's claim, Mecsas claims he is owed the balance of his capital account (\$139,774) and deferred compensation (twenty payments of \$19,383.41), which totals \$527,442.20. See Complaint ¶ 110. With respect to plaintiff Hillman's claim, Hillman claims he is owed the balance of his capital account (\$102,116.17) and deferred compensation (twenty payments of \$13,125.20), which totals \$364,620.17. See Complaint ¶ 119. Thus, if plaintiffs prevail, the damages that may be awarded by the Court will significantly exceed the sum of \$75,000.

#### **Procedural Compliance**

106. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after the receipt by defendants, through service or otherwise, of a copy of the initial pleadings setting forth the claim for relief on which this removal is based.

107. Pursuant to 28 U.S.C. § 1441, et seq., the right exists to remove this cause from the Superior Court, Suffolk County, which embraces the place where the action is pending, to the United States District Court for the District of Massachusetts.

108. Pursuant to the provisions of 28 U.S.C. § 1446(a), attached hereto are copies of the Complaint bearing the civil action no. 03-01161 filed in the Superior Court, Suffolk County, Massachusetts (attached hereto as Exhibit A), and the summons issued in this case to Schnader Harrison Segal & Lewis, LLP, et als. (attached hereto as Exhibit B).

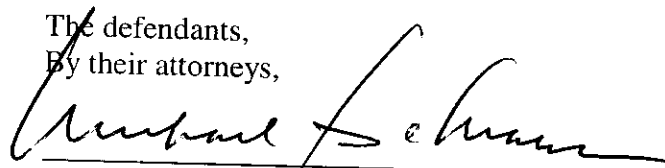
109. Written notice of the filing of this Notice of Removal will be served upon plaintiffs as required by law.



110. A true and correct copy of this Notice of Removal will be filed with the clerk of the Superior Court, Suffolk County, Massachusetts as required by law, and served upon plaintiffs.

**WHEREFORE**, defendants hereby remove this case from the Superior Court, Suffolk County, Massachusetts where it is now pending to this Court; defendants request that this Court accept jurisdiction of this action and that this action be placed upon the docket of this Court for further proceedings, as though this case had originally been instituted in this Court.

The defendants,  
By their attorneys,



Michael DeMarco BBO# 119960  
Daniel E. Rosenfeld - BBO# 560226  
Kirkpatrick & Lockhart LLP  
75 State Street  
Boston, MA 02109  
Tel. (617) 261-3100

Dated: November 20, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail hand on November 20, 2003

